

May 7 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANAIN THE SUPREME COURT OF THE STATE OF MONTANA
SUPREME COURT CASE NO. _____

KD Feedback
 GOUGH, SHANAHAN, JOHNSON & WATERMAN, PLLP
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FILED

MAY 07 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Attorneys for Appellant

IN THE MATTER OF THE ESTATE)
 OF EVALYN VIRGINIA BURRELL,)

Deceased.)

NOTICE OF APPEAL

NOTICE is hereby given that Donald Burrell, *et al*, the Appellant above-named and who are the Plaintiffs in that cause of action filed in the Nineteenth Judicial District Court, in and for Lincoln County, as Cause No. DP-97-7, hereby appeals to the Supreme Court of the State of Montana from the Final Order Denying Appellant/Petitioner's Complaint for Declaratory Judgment and Award of Attorney Fees entered in such action on the 16th day of April, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M. R. App. P. 7. The money judgment being sought is more than \$5,000.

2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b).

3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of Montana Rule of Appellate Procedure 8(3) contemporaneously with the filing of this Notice of Appeal.

5. That included herewith is the filing fee prescribed by statute.

Respectfully submitted this 7th day of May 2010.

GOUGH, SHANAHAN, JOHNSON & WATERMAN, PLLP

A handwritten signature in black ink, appearing to read "KD Feeback", is written over a horizontal line.

KD Feeback
Attorneys for Donald Burrell, *et al.*

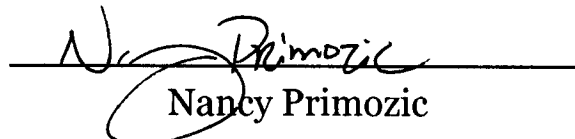
CERTIFICATE OF SERVICE BY MAIL

I certify that a copy of the forgoing *Notice of Appeal* was mailed via U.S. Mail, postage prepaid thereon, on the 7th day of May 2010, directed to the attention of the Court and the following:

Richard DeJana
P.O. Box 1757
Kalispell, MT 59903

Douglas and Sprinkle
417 Mineral Avenue
Libby, MT 59923

Susan Farmer
Clerk of District Court, Lincoln
County
512 California Avenue
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Nancy Primozic
Legal Assistant to KD Feedback